

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

October 16, 2008

The Marlboro Township Council held a regularly scheduled meeting of the Township Council of the Township of Marlboro on October 16, 2008 at 8:00 P.M. at the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 18, 2007 and change in location was faxed on September 4, 2008; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Councilwoman Marder, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Jonathan L. Hornik (8:25pm), Jonathan L. Williams, Esq., Nancy Kist, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

The following Department and Division heads were present to answer any questions raised by the public: Deputy Chief Eric Landau, Public Works Director Robert Di Marco, Chief Financial Officer Ulrich Steinberg, Swim Club Manager Fred Schafler, Tax Collector Shirley Giaquinto, Assistant Tax Collector Diane Giaquinto, Tax Assessor Walter Kosul, Road Department Supervisor Danny Peterson, Assistant Engineer Dean Staknys, Construction Official Joseph Labruzzo, Fire Code Official John Higginson, Planning Board Clerk Donna Pignatelli, Network Administrator Charles Brady, Mayor's Aide Peggy Gamza.

Council Vice President Rosenthal moved that the minutes of September 25, 2008 be approved. This motion was seconded by Councilman LaRocca and the minutes were passed on a roll call vote of 5 - 0 in favor.

The following Resolution # 2008-342/Ord. # 2008-28 (As Amended) Amend Chapter 84 - Fences Certain Rear Yards on Vanderburg Road) was tabled to the November 13th agenda.

Council President Cantor opened the Public Hearing on Ordinance # 2008-29 (Amend Chapter 84 - Requiring Certain Environmental Information be supplied by applicants to Planning/Zoning Board). As there was no one who wished to speak, the Public Hearing was closed. After discussion, the following Resolution # 2008-343/Ord. # 2008-29 (Amend Chapter 84 - Requiring Certain Environmental Information be supplied by applicants to Planning/Zoning Board) was introduced by reference, offered Councilman LaRocca, seconded by Councilwoman Marder and was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-343

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-29 (As Amended)

AMENDING AND SUPPLEMENTING CHAPTER 84, LAND USE DEVELOPMENT AND REGULATIONS, ARTICLE VIII, "SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS", BY ADDING A NEW CHAPTER 106 ENTITLED "SITE INVESTIGATION AND SOIL SAMPLING REPORTS"

which was introduced on September 4, 2008, amended on September 25, 2008, public hearing held October 16, 2008, be adopted on second and final reading this 16th day of October, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2008-344/Ord. # 2008-30 (Amend Swim Pool Fees) was introduced by reference, offered by

Councilwoman Tragni and seconded by Council Vice President Rosenthal and was then passed on a roll call vote of 4 - 1 in favor, with Council President Cantor voting no.

RESOLUTION # 2008-344

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-30 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132
"TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND
MARLBORO AQUATIC SWIMMING POOL FACILITY, MUNICIPAL"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on November 13, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-30 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132
"TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND
MARLBORO AQUATIC SWIMMING POOL FACILITY, MUNICIPAL"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

BE IT ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 132 Swimming Pool Facility, Municipal, Section 132-4, Membership and Other Fees, Sub-Section 132-4(E)(5) Swim Club Day Camp, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Sub-Section 132-4(E)(5), Swim Club Day Camp, to establish increased fees for non-resident swim club day camp participants and to provide priority membership for residents as follows:

132-4(E)(5) Swim Club Day Camp.

(a) Residents. The fee for children residing in Marlboro to enroll in the Swim Club Day camp for the half-day program for the season shall be Four Hundred Seventy-Five Dollars (\$475.00) per

child. The fee for children residing in Marlboro to enroll in the Swim Club day camp for the full-day program for the season shall be Six Hundred Twenty-Five Dollars (\$625.00) per child. Priority shall be given to children residing in Marlboro to register for the Swim Club Day Camp before registration is made available to non-resident children. The day camp refund policy shall be as follows:

(i) There will be no refund after March 31;

(ii) If a child is withdrawn prior to March 31, an administrative fee in the amount of Forty Dollars (\$40.00) shall be retained by the Swim Club Division; and

(iii) If a child is asked by the Swim Club management to leave camp during the first three weeks, only Twenty-Five Percent (25%) of the fee shall be refunded.

(b) Non-Resident. The fee for children not residing in Marlboro to enroll in the Swim Club Day Camp for the half-day program for the season shall be Five Hundred Twenty-Five Dollars (\$525.00) per child. The fee for children not residing in Marlboro to enroll in the Swim Club Day Camp for the full-day program for the season shall be Seven Hundred Twenty-Five Dollars (\$725.00) per child. The Swim Club Day Camp refund policy shall be as follows:

(i) There will be no refund after March 31;

(ii) If a child is withdrawn prior to March 31, an administrative fee in the amount of Forty Dollars (\$40.00) shall be retained by the Swim Club Division; and

(iii) If a child is asked by the Swim Club management to leave camp during the first three weeks, only Twenty-Five Percent (25%) of the fee shall be refunded.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 132 Swimming Pool Facility, Municipal, Section 132-4, Membership and Other Fees, Sub-Section 132-4(G)(4), Additional Miscellaneous Fees and Other Offers, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Sub-Section 132-(G)(4) to provide for increased fees for party set-ups as follows:

132-4(G)(4) Additional miscellaneous fees and other offers. The following additional fees and regulations shall be established for the season:

Set Up	Fee
2 Tables, 20 Chairs	\$35.00
Additional Tables:	\$ 5.00 each
Additional Chairs	\$ 1.00 each

At the discretion of the Swim Club Manager, a refund of all party fees paid may be made due to inclement weather.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 132 Swimming Pool Facility, Municipal, Section 132-7, Guest Books, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced by a new Section 132-7, Guest Books, to provide for an increase in coupon pricing, half priced admission two (2) hours before closing (except TGIF, holidays and special occasions/events) and to provide for new guest book regulations to be printed on the back of guest books as follows:

§ 132-7. Guest books.

A. Starting in October of each year, each member shall be entitled to purchase guest books in an amount to be determined by the Swim Club Division. Guests will be permitted into the facility only if accompanied by a member and upon presentation of guest book coupons. The fee for a guest book of Twenty (20) coupons shall be Sixty Dollars (\$60.00) per book.

B. The number of coupons required for admittance into the facility shall be as follows:

	Daily Fee (weekdays, weekends and holidays)	Two Hours Before Closing (except TGIF, holidays and Special Occasions/Events)
	Number of Tickets Required	Number of Tickets Required
Adult	4	2
Child	2	1
Senior	2	1

C. Guest book regulations shall be printed on the back of each guest book as follows:

"Guest book is sold for the exclusive use by the member listed below. The member whose name is listed below must present this book with their valid ID. Guest book void if front/rear cover removed. Coupons are void if detached. Payment for this book is non-refundable and non-transferable. Coupons used are non-refundable due to weather conditions.

Name. _____ Mem # _____
½ coupon rate valid 2 hours before closing except
TGIF, Holidays and Special Occasions/Events

D. In order to provide an incentive to the Swim Club staff, any staff member may purchase guest books for their own use.

E. The payment of guest books will not be refundable. Book will not have an expiration date and will be good from season to season.

F. Notwithstanding the foregoing, the Pool Manager may, at his or her discretion, curtail and/or eliminate guest privileges to avoid overcrowding of the Swim Club facility.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Council President Cantor opened the Public Hearing on Ordinance # 2008-31 (As Amended) Amend Dog License Fees). After the Public Hearing was held and closed, the following Resolution # 2008-345/Ord. # 2008-31 (As Amended) Amend Dog License Fees) was introduced by reference, offered

Councilwoman Marder, seconded by Councilman LaRocca and was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-345

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-31 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 "DOGS AND OTHER ANIMALS", ARTICLE I, "CONTROL OF DOGS AND CATS", SECTION 59-3 "LICENSING REQUIREMENTS", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REVISE DOG LICENSING FEES AND INCREASE THE PENALTY FOR THOSE FAILING TO LICENSE

which was introduced on September 25, 2008, public hearing held October 16, 2008, be adopted on second and final reading this 16th day of October 16, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2008-346/Ord. # 2008-32 (As Amended) Amend Chapter 4 - Zoning Officer Responsible for Enforcing Lease Agreement) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President Rosenthal. Councilman LaRocca explained the ordinance. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-346

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-32 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE XII "DEPARTMENT OF COMMUNITY DEVELOPMENT" SECTION 4-88, "DIVISION ZONING CODE ENFORCEMENT" TO EXPAND THE RESPONSIBILITIES OF THE ZONING CODE ENFORCEMENT OFFICER TO INCLUDE LEASE AGREEMENT ENFORCEMENT

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on November 13, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-32 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE XII "DEPARTMENT OF COMMUNITY DEVELOPMENT" SECTION 4-88, "DIVISION ZONING CODE ENFORCEMENT" TO EXPAND THE RESPONSIBILITIES OF THE ZONING CODE ENFORCEMENT OFFICER TO INCLUDE LEASE AGREEMENT ENFORCEMENT

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Chapter 4, *Administration of Government*, Article XXI, *Department of Community Development*, Section 4-88, *Division of Zoning/Code Enforcement*, of the Code of the Township of Marlboro be and is hereby amended and supplemented to expand the responsibilities of the Zoning Code Enforcement Officer to include lease agreement enforcement as follows:

§ 4-88. Division of Zoning/Code Enforcement.

A. There shall be within the Department of Community Development a Division of Zoning/Code Enforcement, the head of which shall be the Zoning Officer/Code Enforcement Officer. The position(s) of Zoning Officer/Code Enforcement Officer, respectively, may be held simultaneously by the same individual.

B. The Zoning Officer is responsible for reviewing applications for zoning permits and the granting or denying of such permits in accordance with the zoning ordinances of the Township of Marlboro.

C. The Code Enforcement Officer performs various types of field and office work involved in ensuring that residences, places of business and citizens comply with various municipal ordinances (other than the State Sanitary Code or State Uniform Construction Code or any of its sub-codes). The Code Enforcement Officer shall be responsible for the enforcement of the regulatory ordinances of the Township, including but not limited to land use and zoning, and

shall make such inspections of property and perform such investigations as may be necessary for the enforcement thereof. The Code Enforcement Officer shall be authorized to issue a summons in the name of the Township for a violation of any ordinance pertaining to land use, zoning or other regulatory ordinances and shall testify on behalf of the Township in litigated matters as requested by the Business Administrator.

D. The Code Enforcement Officer shall be responsible for the enforcement of the terms of any lease agreement entered into between the Township as landlord and any party as tenant, including, but not limited to, any lease agreement between the Township and any mobile home association.

E. In circumstances where the Township is the landlord, the Code Enforcement Officer shall be responsible for the enforcement of any rules and regulations found in any lease agreement entered into between the Township as landlord and any party as tenant. The Code Enforcement Officer shall be authorized to issue a summons in the name of the Township for a violation of any such rules and regulations and shall testify on behalf of the Township in litigated matters as requested by the Business Administrator.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Council President Cantor opened the Public Hearing on Ordinance # 2008-34 (Amend Chapter 62 - Registrar Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2008-347/Ord. # 2008-34 (Amend Chapter 62 - Registrar Fees) was introduced by reference, offered Councilwoman Marder, seconded by Council Vice President Rosenthal and then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-347

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-34

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62 "FEES", ARTICLE III, "MUNICIPAL SERVICES", SECTION 62-4 "FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO INCREASE FEES FOR COPIES OF VITAL STATISTICS RECORDS AND TO PROVIDE FOR FEES FOR CORRECTIONS TO MARRIAGE LICENSES, DEATH CERTIFICATES, BIRTH CERTIFICATES AND DOMESTIC PARTNERSHIPS

which was introduced on September 25, 2008, public hearing held October 16, 2008, be adopted on second and final reading this 16th day of October, 2008.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2008-348/Ord. # 2008-35 (Amending Chapter 28 - Recreation Commission Members) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman LaRocca and then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-348

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-35

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28 "RECREATION COMMISSION", DELETING SECTION 28-2 "MEMBERSHIP; TERMS OF OFFICE; REMOVAL FROM OFFICE; VACANCIES" OF THE CODE OF THE TOWNSHIP OF MARLBORO IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 28-2, "MEMBERSHIP; TERMS OF OFFICE; REMOVAL FROM OFFICE; VACANCIES", TO EXPAND THE COMMISSION TO INCLUDE TWO ALTERNATE MEMBERS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on November 13, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-35

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28 "RECREATION COMMISSION", DELETING SECTION 28-2 "MEMBERSHIP; TERMS OF OFFICE; REMOVAL FROM OFFICE; VACANCIES" OF THE CODE OF THE TOWNSHIP OF MARLBORO IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 28-2, "MEMBERSHIP; TERMS OF OFFICE; REMOVAL FROM OFFICE; VACANCIES", TO EXPAND THE COMMISSION TO INCLUDE TWO ALTERNATE MEMBERS

WHEREAS, N.J.S.A. 40:12-1(a) provides that the mayor of a municipality may, in his or her discretion, appoint not less than three (3) nor more than seven (7) persons, citizens and residents of the said municipality as members of a board of recreation commissioners; and

WHEREAS, N.J.S.A. 40:12-1.1 provides that the governing body of any municipality may, by ordinance, provide for the appointment to such board of recreation commissioners not more than two (2) alternate members; and

WHEREAS, the Township of Marlboro desires to expand the membership of the Township's Board of Recreation by adding two (2) alternate members.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 28 Recreation Commission, Section 28-2, Membership; Terms of Office; Removal from Office; Vacancies, of the Code of the Township of Marlboro be and is hereby deleted in its entirety and replaced with a new Section 28-2, Membership; Terms of Office, Removal from Office; Vacancies, to provide for the inclusion of two (2) alternate members as follows:

§ 28-2. Membership; terms of office; removal from office; vacancies.

A. The Recreation Commission shall consist of seven (7) members and two (2) alternate members, appointed by the Mayor, all of whom shall be residents of the Township of Marlboro. All members, including alternates, shall serve without compensation, except as hereinafter provided. The Mayor shall designate one (1) of the members to serve as Chairman and presiding officer of the Commission. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and Alternate No. 2".

B. The Commissioners first appointed shall be appointed as follows: one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, two (2) members for a term of four (4) years; and two (2) members for a term of five (5) years. Thereafter, all appointments shall be made for a term of five (5) years.

C. The Alternate Commissioners first appointed shall be appointed as follows: Alternate No. 1 for a term of four (4) years, and Alternate No. 2 for a term of five (5) years. Thereafter, all appointments for alternate members shall be made for a term of five (5) years.

D. The Mayor or Township Council may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. Vacancies occurring for any reason other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2008-349/Ord. # 2008-36 (Authorizing Co-Location Sublease with Nextel for Emergency Radio Equipment at 14 Brush Neck Road) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-349

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-36

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CO-LOCATION SUBLEASE AGREEMENT WITH NEXTEL OF NEW YORK, INC. FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF UNMANNED RADIO COMMUNICATIONS EQUIPMENT AT 14 BRUSH NECK ROAD IN MARLBORO TOWNSHIP

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on November 13, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-36

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CO-LOCATION SUBLEASE AGREEMENT WITH NEXTEL OF NEW YORK, INC. FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF UNMANNED RADIO COMMUNICATIONS EQUIPMENT AT 14 BRUSH NECK ROAD IN MARLBORO TOWNSHIP

WHEREAS, the Township of Marlboro ("Township") desires to install, operate and maintain unmanned radio communications equipment within the equipment shelter owned by Nextel of New York, Inc. ("Nextel") on property located at 14 Brush Neck Road, Marlboro Township, New Jersey (the "Premises") for use by the Marlboro Township Police Department in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro; and

WHEREAS, the Premises is ground leased to Nextel, who is the owner and operator of the Telecommunications Tower and appurtenances located upon the Premises; and

WHEREAS, Nextel has agreed to enter into a non-exclusive Co-Location Sublease Agreement with the Township to provide a 2' x 2' space within Nextel's shelter on the Premises for the installation, operation and maintenance of unmanned radio communications equipment for a term of five (5) years, with four (4) additional renewal periods of five (5) years each for minimal compensation; and

WHEREAS, the Township has determined that it would serve a public purpose for it to enter into such Co-Location Sublease Agreement with Nextel for the purposes of installing, operating and maintaining the Township's unmanned radio communications equipment for the terms described hereinabove; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a), the Township is authorized to enter into this Co-Location Sublease Agreement with Nextel.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Co-Location Sublease Agreement between the Township of Marlboro and Nextel of New York, Inc. for the installation, operation and maintenance of the Marlboro Township Police Department's unmanned radio communications equipment for a term of five (5) years, with an option for four (4) additional renewal terms consisting of five (5) years each, for minimal compensation therefore, be and is hereby authorized; and

BE IT FURTHER ORDAINED, that the Mayor, or his designee, and Clerk are hereby authorized to execute and witness, respectively, the Co-Location Sublease Agreement in substantially similar form as that attached hereto and made a part hereof; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2008-350/Ord. # 2008-37 (Authorizing Co-Location Sublease with Nextel for Emergency Radio Equipment at 1979 Township Drive) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Marder and was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-350

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2008-37

AN ORDINANCE AUTHORIZING THE EXECUTION OF A
CO-LOCATION SUBLEASE AGREEMENT WITH NEXTEL OF
NEW YORK, INC. FOR THE INSTALLATION, OPERATION AND
MAINTENANCE OF UNMANNED RADIO COMMUNICATIONS
EQUIPMENT AT 1979 TOWNSHIP DRIVE IN MARLBORO TOWNSHIP

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on November 13, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-37

AN ORDINANCE AUTHORIZING THE EXECUTION OF A
CO-LOCATION SUBLEASE AGREEMENT WITH NEXTEL OF
NEW YORK, INC. FOR THE INSTALLATION, OPERATION AND
MAINTENANCE OF UNMANNED RADIO COMMUNICATIONS
EQUIPMENT AT 1979 TOWNSHIP DRIVE IN MARLBORO TOWNSHIP

WHEREAS, the Township of Marlboro ("Township") desires to install, operate and maintain unmanned radio communications

equipment within the equipment shelter owned by Nextel of New York, Inc. ("Nextel") on property located at 1979 Township Drive, Marlboro Township, New Jersey (the "Premises") for use by the Marlboro Township Police Department in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro; and

WHEREAS, the Premises is ground leased to Nextel, who is the owner and operator of the Telecommunications Tower and appurtenances located upon the Premises; and

WHEREAS, Nextel has agreed to enter into a non-exclusive Co-Location Sublease Agreement with the Township to provide a 2' x 2' space within Nextel's shelter on the Premises for the installation, operation and maintenance of unmanned radio communications equipment for a term of five (5) years, with four (4) additional renewal periods of five (5) years each for minimal compensation; and

WHEREAS, the Township has determined that it would serve a public purpose for it to enter into such Co-Location Sublease Agreement with Nextel for the purposes of installing, operating and maintaining the Township's unmanned radio communications equipment for the terms described hereinabove; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a), the Township is authorized to enter into this Co-Location Sublease Agreement with Nextel.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Co-Location Sublease Agreement between the Township of Marlboro and Nextel of New York, Inc. for the installation, operation and maintenance of the Marlboro Township Police Department's unmanned radio communications equipment for a term of five (5) years, with an option for four (4) additional renewal terms consisting of five (5) years each, for minimal compensation therefore, be and is hereby authorized; and

BE IT FURTHER ORDAINED, that the Mayor, or his designee, and Clerk are hereby authorized to execute and witness, respectively, the Co-Location Sublease Agreement in substantially similar form as that attached hereto and made a part hereof; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolutions were tabled to the next agenda:
Res. #2008-324 (Tabled 9/25) Bond Release Crine Woods Section 2) and Res. #2008-325 (Tabled 9/25) Bond Release Crine Woods Restoration Bond Crine Woods Section 2).

The following Resolution # 2008-351 (Bond Release Recovery management Systems/New Hope and Discovery Site Plan) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor..

RESOLUTION # 2008-351

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR RECOVERY MANAGEMENT SYSTEMS/NEW HOPE AND DISCOVERY SITE PLAN,
BLOCK 157, LOT 34, 80 CONOVER ROAD, MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for the release of Township held Performance Guarantees for Site Improvements for the Recovery Management Systems/New Hope and Discovery Site Plan, Block 157, Lot 34, 80 Conover Road, Marlboro, New Jersey posted by Developer, Recovery Management Systems, Inc. ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 22, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees in the amount of \$660,000.00, of which \$600,000.00 has been posted as a bond and \$60,000.00 has been posted as Cash, and which amounts are being held by the Township, may be released in their entirety subject to Developer paying all outstanding fees as required by the Developer's Agreement and/or Resolution of Site Plan Approval and the posting of a two (2) year maintenance guaranty in the amount of \$97,352.00; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantees, bond and cash.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantees posted for the site improvements for the Recovery Management Systems/New Hope and Discovery Site Plan, Block 157, Lot 34, 80 Conover Road, Marlboro, New Jersey posted by Developer, Recovery Management Systems, Inc. shall be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon Developer Recovery Management Systems, Inc.'s payment of all outstanding fees as required by either the Developer Agreement and/or Resolution of Site Plan Approval and the posting a two (2) year maintenance guaranty in the amount of \$97,352.00.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Recovery Management Systems, Inc.
- b. Utica Mutual Insurance Company
- c. Mayor Hornik
- d. Township Business Administrator
- e. Township Engineers
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2008-352 (Bond Release Champion Sports/Melcorp Site Plan) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-352

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR CHAMPION SPORTS/MELCORP SITE PLAN, BLOCK 359, LOT 2.01, 1
CHAMPION WAY, MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for the release of Township held Performance Guarantees for Site Improvements for the Champion Sports/Melcorp Site Plan, Block 359, Lot 2.01, 1 Champion Way, Marlboro, New Jersey posted by Developer Mel Corporation ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 8, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees in the amount of \$122,991.00, of which \$110,692.00 has been posted as a bond and \$12,299.00 has been posted as Cash, and which amounts are being held by the Township, may be released in their entirety subject to Developer paying all outstanding fees as required by the Developer's Agreement and/or Resolution of Site Plan Approval and the posting of a two (2) year maintenance guaranty in the amount of \$15,374.00; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantees, bond and cash.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantees posted for the site improvements for the Champion Sports/Melcorp. Site Plan, Block 359, Lot 2.01, 1 Champion Way, Marlboro, New Jersey posted by Developer Mel Corporation, shall be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon Developer Mel Corporation's payment of all outstanding fees as required by either the Developer Agreement and/or Resolution of Site Plan Approval and the posting a two (2) year maintenance guaranty in the amount of \$15,374.00.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mel Corporation

- b. Selective Insurance Company of America
- c. Mayor Hornik
- d. Township Business Administrator
- e. Township Engineers
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2008-353 (Bond Reduction Triangle Valley/Saratoga Estates) was tabled to the November 13th agenda.

The following Resolution # 2008-354 (Bond Reduction Gordon Woods Estates) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-354

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE
GUARANTEES FOR THE DEVELOPMENT KNOWN AS GORDON WOODS ESTATES,
BLOCK 307, LOT 9, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from H. Builders, Inc. ("Developer") for the reduction of Township held performance guarantees in the form of a Bond and Cash for site improvements at a development known as Gordon Woods Estates on the property known as Block 307, Lot 9, on the Official Tax Map of Marlboro Township, Monmouth County, State of New Jersey; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 1, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current bond and cash amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee bond and cash amounts in accordance with the recommendation of the Township Engineer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a bond

and cash amounts posted for the development known as Gordon Woods Estates shall be reduced as follows:

1. The Performance Guarantee Bond (Lexon Insurance Company, Bond #1014142), in the original and present amount of \$125,843.22, shall be reduced by \$18,152.64, so that the remaining amount shall be \$107,690.58.
2. The Cash Bond, in the original and present amount of \$13,982.58 and shall be reduced by \$2,016.96, so that the amount to remain shall be \$11,965.62; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of all review and/or inspection escrow fees required by the Planning Board and/or Developer's Agreement for the aforesaid development and the resolution of any valid homeowner's complaint.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. H. Builders, Inc.
- b. Lexon Insurance Company
- c. Mayor Hornik
- d. Business Administrator
- e. Township Engineer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2008-355 (Change Order #2 & 3 Gordons Corner/Robertsville Rd.) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilman LaRocca. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-355

A RESOLUTION AUTHORIZING AND APPROVING CHANGE ORDERS
#2 AND #3 (FINAL) AMENDING THE ORIGINAL CONTRACT
BETWEEN THE TOWNSHIP OF MARLBORO AND A. MONTONE
CONSTRUCTION CO. FOR THE PROVISION OF ROADWAY
IMPROVEMENTS TO GORDON'S CORNER ROAD/ROBERTSVILLE
ROAD INTERSECTION, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, by Resolution #2007-156 the Township of Marlboro authorized a Contract between the Township of Marlboro and A. Montone Construction Co. for the provision of roadway improvements at Gordon's Corner Road and Robertsville Road (the "Project") for an amount not to exceed \$423,163.60 (the "Contract"); and

WHEREAS, by Resolution #2007-330, the Township of Marlboro authorized Change Order #1 for an increase in the amount of \$37,668.75, increasing the total Contract amount to \$460,832.35; and

WHEREAS, A. Montone Construction Co. issue a request for Change Order #2 for a net increase of \$10,150.00 to the Contract amount, to provide for the installation of a retaining wall at the corner of Gordon's Corner Road and Vista Drive due to elevation changes and a tree removal for the relocation of an additional electrical pole; and

WHEREAS, A. Montone Construction Co. made a request for Change Order #3(Final) for a net increase of \$1,135.37 to the Contract amount to provide for concrete curb repair and additional work for utility services; and

WHEREAS, Change Orders # 2 and #3 (Final) will increase the total amount of the Contract from \$460,832.35 to \$472,117.72; and

WHEREAS, the Township Engineer has reviewed the Contract and Change Orders # 2 and #3(Final) and recommends the authorization of Change Orders #2 and # 3 (Final) in the amounts of \$10,150.00 and \$1,135.37, respectively, and has advised the Township Council that such additional improvements, in the total amount of \$11,285.37, are required in order to complete the Project; and

WHEERAS, pursuant to *N.J.A.C. 5:30-11.1 et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount can be authorized by the governing body without additional bidding therefor and the aggregate total of Change Orders Nos., 1, 2, and 3(Final) equal approximately 11.57% of the original Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that:

- (1) The Mayor is authorized to execute Change Order #2 to the Contract between the Township of Marlboro and A. Montone Construction Co., increasing the total Contract amount by \$10,150.00; and

- (2) The Mayor is authorized to execute Change Order #3 (Final) to the Contract between the Township of Marlboro and A. Montone Construction Co., increasing the total Contract amount BY \$1,135.37; and
- (3) The aggregate increase in the Contract with A. Montone Construction Co. from Change Orders # 2 and #3 (Final) shall be \$11,285.37, increasing the total Contract amount from \$460,832.35 to \$472,117.72; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. A. Montone Construction Co.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2008-356 (Authorizing Professional Service Contract - CME Stormwater Requirements) was introduced by reference, offered by Councilwoman Marder and seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-356

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES RELATED TO STORMWATER MANAGEMENT PERMIT COMPLIANCE FOR MARLBORO TOWNSHIP

WHEREAS, the Township of Marlboro is in need of professional engineering services related to Stormwater Management Permit Compliance for Marlboro Township; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a non-fair and open process and seeks to amend such Contract to expand the scope of services to include the above described services for a fee not exceed \$25,000.00 for the detailed scope of services set forth in CME's written proposal dated September 23,

2008 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined and certified in writing that the value of the contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, funds will be available for this purpose in the 2008 Municipal Budget; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire CME Associates to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the above described professional services in accordance with the Proposal pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this professional services contract is awarded without competitive bidding pursuant to N.J.S.A. 40:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$25,000.00.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-955-808; and

BE IT FURTHER RESOLVED, notice of award of this contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates
1460 Route 9 South
Howell, NJ 07731
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2008-357 (Amending Res. #2008-287 - Application for Open Space Funds) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Marder. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-357

A RESOLUTION AUTHORIZING THE TOWNSHIP TO
PARTICIPATE IN THE MONMOUTH COUNTY MUNICIPAL
OPEN SPACE PROGRAM FOR 2008 GRANT FUNDING

WHEREAS, on September 4, 2008 the Township Council of the Township of Marlboro adopted Resolution #2008-287, which authorized the Township's Application to the Monmouth County Municipal Open Space Program for 2008 Grant Funding (the "Application") to fund the development of a ball field and associated improvements (the "Project") on the property known as 82 Tennent Road, Block 120, Lot 36, Township of Marlboro, Monmouth County, State of New Jersey (the "Property"); and

WHEREAS, the Township submitted the Application to the Monmouth County Municipal Open Space Program; and

WHEREAS, the Monmouth County Park System has reviewed the Township's Application and made certain requests for additional information as detailed in a letter dated October 7, 2008; and

WHEREAS, among the requested clarifications, the Monmouth County Park System has asked that the Township modify Resolution #2008-287 to indicate that it is requesting \$220,000.00 from the

Monmouth County Open Space Trust Fund, as indicated in the Township's application, and not \$440,000.00 which Resolution #2008-287 incorrectly stated; and

WHEREAS, the total cost of the Project, including any matching funds is \$440,000.00 and the Township's Application duly requested the amount of \$220,000.00 from the Monmouth County Open Space Program for the ball field improvement project; and

WHEREAS, Resolution #2008-287 contained a typographical error authorizing an Application for the amount of \$440,00.00 in funding from the Monmouth County Municipal Open Space Program for the Project while the Township intended to authorize an application for \$220,000.00; and

WHEREAS, the Governing Body of the Township of Marlboro desires to obtain County Open Space Trust Funds in the amount of \$220,000 to fund the Project.

NOW, THEREFORE, BE IT RESOLVED BY the Marlboro Township Council that Resolution #2008-287 be and is hereby clarified as follows:

1. Alayne Shepler, Business Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds in the amount \$220,000.00, (b) provide additional application information as requested by the Monmouth County Municipal Open Space Program and to furnish such additional documents as may be required for the Monmouth County Municipal Open Space Grant Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Township of Marlboro remains committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Alayne Shepler, Business Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Clerk's office forward a certified copy of this resolution to the Finance Department, Recreation Department, Public Works and Administration.

The following Resolution # 2008-358 (Amending Developer Agreement - Lucas Development) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-358

A RESOLUTION AUTHORIZING EXECUTION OF AN
AMENDMENT TO A DEVELOPER AGREEMENT BETWEEN THE
TOWNSHIP OF MARLBORO AND LUCAS DEVELOPMENT, LLC

WHEREAS, on July 14, 2008 the Township of Marlboro entered into a Developer Agreement with Lucas Development, LLC (the "Developer") for Use Variances, Bulk Variances and Site Plan Approval with Design Standard Waivers granted by the Township of Marlboro Zoning Board of Adjustment, under Application No. ZB07-6303, by Resolution dated February 5, 2008 at the property known as Block 178, Lot 296 on the official tax maps of the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, Paragraph 7 of the Agreement contained a typographical error that incorrectly referred to the percentage of equalized assessed value upon which the developer fee is based; and

WHEREAS, the Township Code, as authorized by the Council on Affordable Housing, pursuant to Ordinance #2006-24 and Ordinance #2006-16, provides that the percentage value to be used in calculating a developer's fee, based upon the increase in equalized assessed value, is two percent (2%); and

WHEREAS, an Amendment to the Developer Agreement setting forth the correct percentage of two percent (2)% of the increase in equalized assessed value to be used to calculate the developer's fee regarding the development of the subject Property has been prepared by the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the recitals set forth hereinabove are incorporated herein and made a part hereof and the Mayor and Township Clerk be and are hereby authorized to execute an Amendment to the Developer Agreement between the Township of Marlboro and Lucas Development, LLC that corrects the typographical error in Paragraph 7 of the Developer Agreement.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Development, LLC
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2008-359 (Amending Developer Agreement - Lucas Construction) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-359

A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT
TO A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF
MARLBORO AND LUCAS CONSTRUCTION GROUP, INC.

WHEREAS, on June 11, 2008 the Township of Marlboro entered into a Developer Agreement with Lucas Construction Group, Inc. (the "Developer") for Preliminary and Final Major Site Plan Approval with Variance Relief and Waivers granted by the Township of Marlboro Planning Board, under Application No. PB-992-07, by Resolution dated October 17, 2007 at the property known as Block 178, Lot 292 on the official tax maps of the Township of Marlboro, County of Monmouth, State of New Jersey; and

WHEREAS, Paragraph 7 of the Agreement contained a typographical error that incorrectly referred to the percentage of equalized assessed value upon which the developer fee is based; and

WHEREAS, the Township Code, as authorized by the Council on Affordable Housing, pursuant to Ordinance #2006-24 and Ordinance #2006-16, provides that the percentage value to be used in calculating a developer's fee, based upon the increase in equalized assessed value, is two percent (2%); and

WHEREAS, an Amendment to the Developer Agreement setting forth the correct percentage of two percent (2)% of increase in equalized assessed value to be used to calculate the developer's fee regarding the development of the subject Property has been prepared by the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the recitals set forth hereinabove are incorporated herein and made a part hereof and the Mayor and Township Clerk be and are hereby authorized to execute an Amendment to the Developer Agreement between the Township of Marlboro and Lucas Construction Group, Inc. that corrects the typographical error in Paragraph 7 of the Developer Agreement

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Construction Group, Inc.
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2008-360 (Award of Bid - Snow Removal Services) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilman LaRocca. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-360

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE WINTER OF 2008/2009 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) FOR CERTAIN SECTIONS OF THE TOWNSHIP BY NEGOTIATED PRICE AS PERMITTED BY N.J.S.A. 40A:11-5(3)

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of Snow Removal Services for the winter of 2008/2009 and two (2) bids were received on July 8, 2008; and

WHEREAS, the two (2) bids received were as follows:

<u>Company</u>	<u>Bid</u>	<u>Unit Prices</u>	<u>Section</u>
Lucas Brothers, Inc.	\$185.00	@ 3 units	3
	\$185.00	@ 3 units	4
	\$185.00	@ 3 units	7
Lucas Construction Group	\$195.00	@ 6 units	3
	\$195.00	@ 3 units	4
	\$195.00	@ 9 units	9;

and

WHEREAS, no bids were received on July 8, 2008 for Sections 1, 2, 5, 6, and 8 of the bids; and

WHEREAS, the Marlboro Township Department of Public Works reviewed the bids submitted on July 8, 2008 and recommended that same be rejected because (1) the bid form submitted by Lucas Brothers, Inc., was improperly completed leading to confusion as to the amount bid; and (2) the bid form submitted by Lucas Construction Group, Inc. was improperly completed with Lucas Construction Group, Inc., advising the Township subsequent to the bid opening that it intended to bid solely on Sections 2 and 3; and

WHEREAS, based upon the foregoing the Township determined in Resolution #2008-267 adopted on August 7, 2008 to reject both bids submitted on July 8, 2008 because both bids were unresponsive to the bid specifications; and

WHEREAS Resolution #2008-267 also authorized the re-bid of the contract for the provision of snow removal services for the winter of 2008/2009 pursuant to the Local Public Contracts Law; and

WHEREAS, on August 26, 2008, three (3) bids were received for Snow Removal Services as detailed below:

<u>Section Number</u>	<u>Number of Vehicles</u>	<u>Lucas Construction</u>	<u>Lucas Brothers</u>	<u>Triple C Nurseries</u>
1	4	No Bid	No Bid	No Bid
2	6	\$180/hr	\$185/hr	\$224.45/hr
3	3	\$180/hr	\$185/hr	No Bid

4	3	No Bid	No Bid	No Bid
5	3	No Bid	No Bid	\$224.45/hr
6	4	No Bid	No Bid	No Bid
7	4	No Bid	No Bid	No Bid
8	2	No Bid	No Bid	\$224.45/hr
9	3	No Bid	No Bid	\$224.45/hr;

and

WHEREAS, Triple C Nurseries did not indicate or provide a copy of a certificate evidencing registration with the State of New Jersey pursuant to the Public Works Contractor Registration Act as required by the bid specifications, but the Township was permitted to waive such bid defect, because the defect was not related to mandatory items listed in N.J.S.A. 40A:11-23.2, nor was the provision of Snow Removal Services a "public work" as that term is defined in N.J.S.A. 34:11-56.26; and

WHEREAS, the Town Administration and Department of Public Works recommended that: 1) Lucas Construction be awarded the bid for Sections 2 and 3; and that 2) Triple C Nurseries be awarded the bid for Sections 5 and 8; and

WHEREAS, the Town Administration and Department of Public Works recommended the rejection of bid from Triple C Nurseries for Section 9 as non-responsive because the bid specifications required that three (3) vehicles be provided to remove snow in Section 9, and Triple C Nurseries bid indicated that only two (2) vehicles would be provided; and

WHEREAS, the Department of Public Works estimated that approximately ten (10) hours of snow plowing would be required in the portion of this winter occurring in 2008, while thirty (30) hours of snow plowing were estimated for the portion of this winter occurring in 2009; and

WHEREAS, the Department of Public Works tabulated the apportionment of services estimated to be required for the winter 2008/2009 between Lucas Construction and Triple C Nurseries as follows for the portion of the winter occurring in 2008:

<u>Company</u>	<u>Rate/Hr</u>	<u># of Vehicles</u>	<u>Set up Fee</u>	<u>Total Award</u>
Lucas Constr.	\$180.00	9	\$2,250.00	\$18,450.00
Triple C	\$224.45	5	\$1,250.00	\$12,472.50;

And estimated as follows for the portion of the winter occurring in 2009:

<u>Company</u>	<u>Rate/Hr</u>	<u># of Vehicles</u>	<u>Set up Fee</u>	<u>Total Award</u>
Lucas Constr.	\$180.00	9	n/a	\$48,600.00
Triple C and	\$224.45	5	n/a	\$33,667.50;

WHEREAS, no bids were received on August 26, 2008 for Sections 1, 4, 6, and 7, and N.J.S.A. 40A:11-5(3) provides that a contract, the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising if bids have been advertised pursuant to N.J.S.A. 40A:11-4 on two occasions and no bids have been received, or that bids have been advertised on two occasions and on one occasion no bid was received and on one occasion bids were rejected; and

WHEREAS, by Resolution #2008-310, adopted September 4, 2008, the Township:

- (1) awarded the bid for Sections 2 and to Lucas Construction Group, Inc., of 173 Amboy Road, Morganville, NJ 07751, as the lowest responsible bidder for Provision of Snow Removal Services for the winter of 2008/2009 at a rate of \$180.00 per hour, per vehicle, plus a one time set up fee of \$2,250.00; and
- (2) awarded the bid for Sections 5 and 8 to Triple C Nurseries as the lowest responsible bidder for the Provision of Snow Removal Services for the winter of 2008/2009 at a rate of \$224.45 per hour, per vehicle, plus a one time set up fee of \$1,250.00; and
- (3) rejected the bid for Section 9 by Triple C Nurseries because the bid specifications called for three (3) vehicles to be provided for snow removal services in Section 9, and the bidder indicated that only two (2) vehicles would be provided; and
- (4) waived the defect in Triple C Nurseries' bid for Sections 5 and 8 which was the failure to supply a Certificate evidencing registration with the State of New Jersey pursuant to the Public Works Contractor Registration Act as required by the bid specifications because such certificate was not a mandatory cause for rejection pursuant to N.J.S.A. 40A:11-23.2 nor was the provision of Snow Removal Services a "public work" as defined in N.J.S.A. 34:11-56.26; and

- (5) (5) authorized the negotiation of prices for the Provision of Snow Removal Services for Sections 1, 4, 6 and 7 as permitted by N.J.S.A. 40A:11-5(3) and to make a recommendation to the Town Council for the award of a contract or contracts for the provision of Snow Removal Services for Sections 1, 4, 6, and 7; and

WHEREAS, Resolution #2008-310 adopted on September 4, 2008 should also have specifically authorized the negotiation of prices for the provision of Snow Removal Services for Section 9 and should have specifically authorized a recommendation regarding Section 9 because Section 9 had been the subject of public bids on two (2) occasions with the bids having been rejected on two (2) occasions as non-responsive to the bid specifications; and

WHEREAS, the Department of Public works contacted Glissen Landscaping. NJ's Lawn Maintenance, Shamrock Lawn and Landscape, Inc. and Lucas Brothers, Inc. to obtain pricing for Snow Removal Services for Sections 1,4 6, 7 and 9 for the Winter 2008/2009; and

WHEREAS, Glissen Landscaping and TJ's Lawn Maintenance were unable or unwilling to obtain the necessary performance guarantees as required by the bid specifications; and

WHEREAS, the Department of Public Works was able to negotiate pricing with Shamrock Lawn and Landscape, Inc. wherein Shamrock offered to provide Snow Removal Services for Sections 6 and 9 at an hourly rate of \$180.00 per hour per vehicle; and

WHEREAS, the Department of Public Works was able to negotiate pricing with Lucas Brothers, Inc. wherein Lucas offered to provide Snow Removal Services for Sections 4 and 7 at an hourly rate of \$180.00 per hour, per vehicle; and

WHEREAS, the Department of Public Works estimates that ten (10) hours of snow plowing will be required in 2008 and thirty (30) hour of plowing in 2009; and

WHEREAS, the Department of Public Works tabulated the apportionment of services estimated to be required for the winter 2008/2009 between Shamrock Lawn and Landscape, Inc. and Lucas Brothers, Inc. as follows for the portion of the winter occurring in 2008:

Company	Section	Hourly Rate (\$)	No. of Vehicles	Set up Fee (\$)	Total Award (\$)
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Shamrock Lawn & Landscape	6	180.00	4	1,000.00	8,200.00
	9	180.00	3	600.00	6,000.00
GRAND TOTAL					14,200.00
Lucas Brothers	4	180.00	3	750.00	6,150.00
	7	180.00	4	1000.00	8,200.00
GRAND TOTAL					14,350.00

WHEREAS, the Department of Public Works tabulated the apportionment of services estimated to be required for the winter 2008/2009 between Shamrock Lawn and Landscape, Inc. and Lucas Brothers, Inc. as follows for the portion of the winter occurring in 2009:

Company	Section	Hourly Rate (\$)	No. of Vehicles	Set up Fee (\$)	Total Award (\$)
Shamrock Lawn & Landscape	6	180.00	4	N/A	21,600.00
	9	180.00	3	N/A	16,200.00
GRAND TOTAL					37,800.00
Lucas Brothers	4	180.00	3	N/A	16,200.00
	7	180.00	4	N/A	21,600.00
GRAND TOTAL					37,800.00

WHEREAS, the Mayor and Township Council have indicated their desire to award contracts for snow removal pursuant to the recommendation of the Town Administration and Department of Public Works as set forth above.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a contract be awarded to Shamrock Lawn & Landscape, Inc. for Sections 6 and 9 for the Provision of Snow Removal Services for the winter of 2008/2009 at an hourly rate of \$180.00 per hour per vehicle, plus a one time set up fee of \$1,600.00; and

BE AND IT FURTHER RESOLVED, that a contract be awarded to Lucas Brothers, Inc. for Sections 4 and 7 for the Provision of Snow Removal Services for the winter of 2008/2009 at an hourly rate of \$180.00 per hour per vehicle, plus a one time set up fee of \$1,750.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for the aforesaid contracts from the following Account: 8-01-119-275; and

BE IT FURTHER RESOLVED, that the Township Administration and Department of Public Works are authorized to negotiated prices for the provision of Snow Removal Services for Section 1 pursuant to N.J.S.A. 40A:11-5(3) and to make a recommendation to the Township Council for the award of a contract for Snow Removal Services for Section 1; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Shamrock Lawn & Landscape, Inc.
- b. Lucas Brothers, Inc.
- c. Mayor Jonathan Hornik
- d. Township Administrator
- e. Township Director, Dept. of Public Works
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2008-311 (Tabled 9/4) Purchase on State Contract - Copier) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Marder. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-311

RESOLUTION AUTHORIZING THE PURCHASE A SAVIN
C7570 COPIER AND SR 4010 FINISHER FOR MARLBORO
TOWNSHIP PURSUANT TO STATE CONTRACT #A51464

WHEREAS, the Marlboro Township Administrator has recommended that the Township purchase a Savin C7570 Copier and SR4010 Finisher from Ricoh Americas' Corporation c/o Atlantic Business Products, 134 W. 26th Street, New York, New York 10001, pursuant to State Contract #A51464 for a total amount not to exceed \$20,782.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said copier and finisher to the Township of Marlboro; and

WHEREAS, funds are available in Account Number X-04-55-959-932 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said copier and finisher;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase a Savin C7570 Copier and SR4010 Finisher from Ricoh Americas' Corporation c/o Atlantic Business Products, 134 W. 26th Street, New York, New York 10001, pursuant to State Contract #A51464 for a total amount not to exceed \$20,782.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Ricoh Americas' Corporation c/o Atlantic Business Products, 134 W. 26th Street, New York, NY 10001
- b. Township Administrator
- c. Township Building Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman LaRocca seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor: Res. # 2008-361 (Redemption Tax Sale Certs. - Various), Res. # 2008-362 (Refunds for Overpayments - Various), Res. # 2008-363 (Refunds to WMUA - Various), Res. # 2008-364 (Canceling Taxes Township Property - B. 160, L. 79), Res. # 2008-365 (Authorization to Bid - Farming DiMeo and McCarron Properties 2009/2010) and Res. # 2008-366 (Raffle License Father McGivney Council #6392 Knights of Columbus - Off Premise 50/50).

RESOLUTION # 2008-361

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$17,610.80 per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$17,610.80 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
06-37	296/1	Lillian Y. Zhang	\$1,927.34
	17 Clayton Road	11 Walnut Street Livingston, NJ 07039	
08-37	417/9	Amaco	6,819.15
	Buckley Road	2 Kiel Avenue, #202 Kinnelon, NJ 07405	
08-45	123/2	The Approved Realty	1,222.09
	3 Tennent Road	Group, LLC 60 Chambersbridge #4 Lakewood, NJ 08701	
08-63	360.02/18.11	CCTS Tax Liens I, LLC	1,434.38
	7 Clymer Court	141 Shreve Avenue Barrington, NJ 08007	
08-66	412/260	Milestone Investment Partners	375.82
	10 Skylark Court	P.O. Box 131 Lakewood, NJ 08701	
08-67	171/36.11	Elliot Loeb	5,832.02
	4 Carmel Court	1 Lakeview Drive Saratoga Springs, NY 12866	
TOTAL:			\$ 17,610.80

RESOLUTION # 2008-362

WHEREAS, the attached list in the amount of \$8,240.12 known as Schedule "A", is comprised of amounts representing overpayments for 2008 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
153	17	Aurora Loan Services	\$ 753.13
212 Conover Road			
Attn: Susan			
P.O. Box 288			
Marlton, NJ 08053			
Re: Ross & Heather Licitra			
(Assessed Owners)			
170	23	First Horizon Home Loans	1,487.05
39 Harbor Road			
c/o First American Real			
Estate Tax Service			
Attn: Tax Refunds			
1 First American Way			
Mail Code: DFW 1-3			
Westlake, TX 76262			
Re: D'Amore & Slover			
(Assessed Owners)			
178	2	C0149 Washington Mutual Home Loans	876.65
149 Tanglewood Place			
c/o First American Real			
Estate Tax Service			
Attn: Tax Refunds			
1 First American Way			
Mail Code: DFW 1-3			
Westlake, TX 76262			
Re: Hoppock & Castelli			
(Assessed Owners)			
278	19	Sovereign Bank	1,941.75
13 Whitman Road			
c/o LPS Property Tax Solutions			
3100 New York Drive			
Attn: Refunds Department			
Pasadena, CA 91107			
Re: Frank & Dana Dominici			
(Former Assessed Owners)			
288	29	C0337 Mary Lou & Joseph Simon	1,293.79

337 Sunshine Court 337 Sunshine Court
Englishtown, NJ 07726

331 1 Chase Home Finance 1,887.75
1 Foxcroft Drive c/o First American Real
 Estate Tax Service
 Attn: Tax Refunds
 1 First American Way
 Mail Code: DFW 1-3
 Westlake, TX 76262
 Re: Edward L. Brown
 (Assessed Owner)

TOTAL: \$ 8,240.12

RESOLUTION # 2008-363

WHEREAS, current sewer charges totaling \$1,693.50 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$1,693.50 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#07-41 39 Kingfisher Court	412/240	Crusader Lien Services	\$115.75
TSC#08-13 8 Vassar Place	173/7 C0008	Plymouth Park Tax Services	216.10
TSC#08-19 6 Breton Court	214.06/6	Fidelity Tax, LLC	116.98
TSC#08-32 7 Molly Pitcher Road	392/28.04	Plymouth Park Tax Services	220.24
TSC#08-52 3 Lee Court	214/3.09	Approved Realty Group, LLC	219.52
TSC#08-60 28 Collingwood Road	346/1	Approved Realty Group, LLC	121.20

TSC#08-61	349/10	Approved Realty Group, LLC	227.91
2 Eaton Court			
TSC#08-65	396/1 C0234	Mary Tawadros	209.89
234 Plum Drive			
TSC#08-67	171/36.11	Elliot Loeb	245.91
4 Carmel Court			
TOTAL:			<u>\$1,693.50</u>

RESOLUTION # 2008-364

WHEREAS, there are taxes for the year 2008 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 160 Lot 79, located on Gallya Grove,

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro for all of 2008, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2008 taxes totaling \$984.43 as stated above.

RESOLUTION # 2008-365

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Farming Rights DiMeo and McCarron Properties
2009/2010

RESOLUTION # 2008-366

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 19-08 (Off Premise 50/50) be and it is hereby granted to Knights of Columbus Father McGivney Council #6392, P. O. Box 322, Lincroft, NJ 07738.

BE IT FURTHER RESOLVED that said Raffle will be held on December 13, 2008 at 6 PM at St. Gabriel's Church, 100 Main Street, Marlboro, N.J. 07746.

At 9:45PM, Councilman LaRocca moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED:

OFFERED BY:

AYES:

SECONDED BY:

NAYS:

ALIDA MANCO
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL PRESIDENT